
HOUSE BILL No. 1307

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-18-2-29; IC 9-21-11; IC 9-24.

Synopsis: Operation of motorized bicycles. Requires an individual operating a motorized bicycle on a highway to carry a valid state identification card, learner's permit, or driver's license. Provides that a person operating a motorized bicycle has the same rights and duties as a person who operates a motor vehicle for purposes of the motor vehicle law, with certain exceptions. Specifies equipment and operating rules required for the use of a motorized bicycle.

Effective: July 1, 2005.

Cheney

January 11, 2005, read first time and referred to Committee on Roads and Transportation.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1307

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-18-2-29 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 29. Except as otherwise
3 provided, before:

4 (1) a motor vehicle **other than a motorized bicycle or an**
5 **electric personal assistive mobility device;**

6 (2) a motorcycle;

7 (3) a truck;

8 (4) a trailer;

9 (5) a semitrailer;

10 (6) a tractor;

11 (7) an implement of husbandry or a farm tractor used in
12 transportation;

13 (8) a bus;

14 (9) a school bus;

15 (10) a recreational vehicle; or

16 (11) special farm machinery;

17 is operated or driven on a highway, the person who owns the vehicle

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1 must register the vehicle with the bureau and pay the applicable
2 registration fee.

3 SECTION 2. IC 9-21-11-1 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The parent of a
5 child and the guardian of a protected person may not authorize or
6 knowingly permit the child or protected person to violate this chapter.

7 (b) Subject to the exceptions stated, the provisions of this chapter
8 applicable to bicycles apply whenever:

9 (1) a bicycle **or motorized bicycle** is operated upon a highway;
10 or

11 (2) **a bicycle is operated on a** path set aside for the exclusive use
12 of bicycles.

13 SECTION 3. IC 9-21-11-2 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. A person riding a
15 bicycle **or operating a motorized bicycle** upon a ~~roadway~~ **highway**
16 has all the rights and duties under this article that are applicable to a
17 person who drives a vehicle, except the following:

18 (1) Special regulations of this article.

19 (2) Those provisions of this article that by their nature have no
20 application.

21 SECTION 4. IC 9-21-11-3 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) A person
23 propelling a bicycle **or operating a motorized bicycle** may not:

24 (1) ride other than upon the permanent and regular seat attached
25 to the bicycle **or motorized bicycle**; or

26 (2) carry any other person upon the bicycle **or motorized bicycle**
27 who is not seated upon a firmly attached and regular seat on the
28 bicycle **or motorized bicycle**.

29 (b) A person may not ride upon a bicycle **or motorized bicycle**
30 unless seated under this section.

31 SECTION 5. IC 9-21-11-4 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. A bicycle **or**
33 **motorized bicycle** may not be used to carry more persons at one (1)
34 time than the number for which the bicycle **or motorized bicycle** is
35 designed and equipped.

36 SECTION 6. IC 9-21-11-5 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. A person upon a
38 bicycle, a coaster, roller skates, **a motorized bicycle**, or a toy vehicle
39 may not attach the bicycle, coaster, roller skates, **motorized bicycle**,
40 or toy vehicle or the person to a street car or vehicle upon a ~~roadway~~
41 **highway**.

42 SECTION 7. IC 9-21-11-6 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. **(a)** A person riding a bicycle **or operating a motorized bicycle** upon a ~~roadway~~ **highway** may not ride more than two (2) abreast except on ~~paths or~~ parts of ~~roadways~~ **highways** set aside for the exclusive use of bicycles.

(b) A person riding a bicycle may not ride more than two (2) abreast except on a path set aside for the exclusive use of bicycles.

SECTION 8. IC 9-21-11-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. A person who rides a bicycle **or operates a motorized bicycle** may not carry a package, a bundle, or an article that prevents the person from keeping both hands upon the handlebars.

SECTION 9. IC 9-21-11-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. A person may not ride a bicycle **or operate a motorized bicycle** unless the bicycle **or motorized bicycle** is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100) feet. A bicycle may not be equipped with and a person may not use ~~upon a bicycle~~ a siren or whistle **on a bicycle**.

SECTION 10. IC 9-21-11-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. A bicycle **or motorized bicycle** must be equipped with a brake that will enable the person who operates the bicycle **or motorized bicycle** to make the braked wheels skid on dry, level, clean pavement.

SECTION 11. IC 9-21-11-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. A person who operates a bicycle **or motorized bicycle** upon a highway shall observe the regulations and requirements of this article.

SECTION 12. IC 9-21-11-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. A motorized bicycle may not be operated under any of the following conditions:

- (1) By a person less than fifteen (15) years of age.
- (2) By a person who has not obtained:
 - (A) an identification card under IC 9-24;
 - (B) a permit under IC 9-24;
 - (C) an operator's license under IC 9-24;
 - (D) a chauffeur's license under IC 9-24; ~~or~~
 - (E) a public passenger chauffeur's license under IC 9-24; **or**
 - (F) a motorcycle operator's license under IC 9-24.
- (3) On an interstate highway or a sidewalk.
- (4) At a speed greater than twenty-five (25) miles per hour.

SECTION 13. IC 9-24-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. Sections 1 through

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5 of this chapter do not apply to the following individuals:

(1) An individual in the service of the armed forces of the United States while operating an official motor vehicle in that service.

(2) An individual while operating a:

(A) road roller;

(B) road construction or maintenance machinery, except where the road roller or machinery is required to be registered under Indiana law;

(C) ditch digging apparatus;

(D) well drilling apparatus;

(E) concrete mixer; or

(F) farm tractor or implement of husbandry;

that is being temporarily drawn, moved, or propelled on an Indiana public highway.

(3) A nonresident who:

(A) is at least sixteen (16) years and one (1) month of age; and

(B) has in the nonresident's immediate possession a valid operator's license that was issued to the nonresident in the nonresident's home state or country;

while operating a motor vehicle in Indiana only as an operator.

(4) A nonresident who:

(A) is at least eighteen (18) years of age; and

(B) has in the nonresident's immediate possession a valid chauffeur's license that was issued to the nonresident in the nonresident's home state or country;

while operating a motor vehicle upon a public highway, either as an operator or a chauffeur.

(5) A nonresident who:

(A) is at least eighteen (18) years of age; and

(B) has in the nonresident's immediate possession a valid license issued by the nonresident's home state for the operation of any motor vehicle upon a public highway when in use as a public passenger carrying vehicle;

while operating a motor vehicle upon a public highway.

(6) A nonresident whose home state or country does not require the licensing of operators or chauffeurs and who has not been licensed as an operator or a chauffeur in the nonresident's home state or country as an operator if the nonresident is at least sixteen (16) years and thirty (30) days of age and less than eighteen (18) years of age or as a chauffeur if the nonresident is at least eighteen (18) years of age, for not more than sixty (60) days in any one (1) year if the following conditions exist:

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(A) The unlicensed nonresident is the owner of the motor vehicle or the authorized driver of the **motor** vehicle.

(B) The **motor** vehicle has been registered for the current year in the state or country of which the owner is a resident.

(C) The motor vehicle at all times displays a registration plate issued in the home state or country of the owner.

(D) The nonresident owner or driver has in the owner's or driver's immediate possession a registration card evidencing ownership and registration in the owner's or driver's home state or country or is able at any required time or place to do the following:

(i) Prove lawful possession or the right to operate the motor vehicle.

(ii) Establish the nonresident's proper identity.

(7) A nonresident who:

(A) is at least fifteen (15) years of age; and

(B) has in the nonresident's immediate possession a valid identification card issued by the nonresident's home state; while operating a motorized bicycle upon a highway.

~~(7)~~ **(8)** An individual who is legally licensed to operate a motor vehicle in the state of the individual's residence and who is employed in Indiana, subject to the restrictions imposed by the state of the individual's residence.

~~(8)~~ **(9)** A new resident of Indiana who possesses an unexpired driver's license issued by the resident's former state of residence, for a period of sixty (60) days after becoming a resident of Indiana.

~~(9)~~ **(10)** An individual who is an engineer, a conductor, a brakeman, or another member of the crew of a locomotive or a train that is being operated upon rails, including the operation of the locomotive or the train on a crossing over a street or a highway. An individual described in this subdivision is not required to display a license to a law enforcement officer in connection with the operation of a locomotive or a train in Indiana.

SECTION 14. IC 9-24-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. **(a)** An individual holding a permit or license issued under this article must have the permit or license in the individual's immediate possession when driving or operating a motor vehicle.

(b) An individual holding an identification card under this article must have the identification card in the individual's

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1 **immediate possession when operating a motorized bicycle.**

2 (c) The permittee, ~~or~~ licensee, **or individual holding an**
3 **identification card** shall display the:

4 (1) license; ~~or~~

5 (2) permit; **or**

6 (3) **identification card;**

7 upon demand of a court or a police officer authorized by law to enforce
8 motor vehicle rules.

9 SECTION 15. IC 9-24-13-6 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) Subject to
11 subsection (b), in a proceeding to enforce section 3 of this chapter, the
12 burden is on the defendant to prove by a preponderance of the evidence
13 that the defendant had been issued a ~~driving driver's~~ license, ~~or~~ permit,
14 **or identification card when operating a motorized bicycle** that was
15 valid at the time of the alleged violation.

16 (b) A person may not be convicted of violating section 3 of this
17 chapter if the person, within five (5) days from the time of
18 apprehension, produces to the apprehending **police** officer or
19 headquarters of the apprehending **police** officer satisfactory evidence
20 of ~~a the~~ permit, ~~or driver's~~ license, **or identification card when**
21 **operating a motorized bicycle** issued to the person that was valid at
22 the time of the person's apprehension.

23 SECTION 16. IC 9-24-16-11.6 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11.6. An identification
25 card issued under this chapter may not be used to identify the person
26 who holds the identification card as the operator of a motor vehicle
27 **other than a motorized bicycle.**

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